

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

V.

TEXAS INSTRUMENTS, INC., *et al.*,

Defendants.

Civil Action No. 6:12-CV-499-LED

JURY TRIAL DEMANDED

PLAINTIFF’S REPLY IN RESPONSE TO
DEFENDANT IRDETO’S COUNTERCLAIMS

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Irdeto USA, Inc. and Irdeto B.V. (collectively “Irdeto” or “Defendants”) (Dkt. No. 307) as follows. All allegations not expressly admitted or responded to by Plaintiff are denied.

COUNTERCLAIMS

1. Paragraph 1 contains no allegations requiring an admission or denial.
2. Plaintiff admits the allegations of Paragraph 2, upon information and belief.
3. Plaintiff admits the allegations of Paragraph 3, upon information and belief.
4. Plaintiff admits the allegations of Paragraph 4.

JURISDICTION AND VENUE

- 4b. Plaintiff admits the allegations of Paragraph 4b. (Defendants numbered two separate paragraphs with the number 4.)

COUNT I: NON-INFRINGEMENT OF U.S. PATENT NO. 7,346,472

5. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 4b above.
6. Plaintiff denies the allegations of Paragraph 6.

7. Plaintiff denies the allegations of Paragraph 7.

COUNT II: NON-INFRINGEMENT OF U.S. PATENT NO. 7,660,700

8. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 4b above.

9. Plaintiff denies the allegations of Paragraph 9.

10. Plaintiff denies the allegations of Paragraph 10.

COUNT III: NON-INFRINGEMENT OF U.S. PATENT NO. 7,949,494

11. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 4b above.

12. Plaintiff denies the allegations of Paragraph 12.

13. Plaintiff denies the allegations of Paragraph 13.

COUNT IV: NON-INFRINGEMENT OF U.S. PATENT NO. 8,214,175

14. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 4b above.

15. Plaintiff denies the allegations of Paragraph 15.

16. Plaintiff denies the allegations of Paragraph 16.

COUNT V: INVALIDITY OF U.S. PATENT NO. 7,346,472

17. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 4b above.

18. Plaintiff admits the allegations of Paragraph 18.

19. Plaintiff denies the allegations of Paragraph 19.

20. Plaintiff denies the allegations of Paragraph 20.

COUNT VI: INVALIDITY OF U.S. PATENT NO. 7,660,700

21. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 4b above.
22. Plaintiff admits the allegations of Paragraph 22.
23. Plaintiff denies the allegations of Paragraph 23.
24. Plaintiff denies the allegations of Paragraph 24.

COUNT VII: INVALIDITY OF U.S. PATENT NO. 7,949,494

25. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 4b above.
26. Plaintiff admits the allegations of Paragraph 26.
27. Plaintiff denies the allegations of Paragraph 27.
28. Plaintiff denies the allegations of Paragraph 28.

COUNT VIII: INVALIDITY OF U.S. PATENT NO. 8,214,175

29. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 4b above.
30. Plaintiff admits the allegations of Paragraph 30.
31. Plaintiff denies the allegations of Paragraph 31.
32. Plaintiff denies the allegations of Paragraph 32.

REQUEST FOR RELIEF

Plaintiff denies that Defendants are entitled to any of the relief they request.

PLAINTIFF'S PRAYER FOR RELIEF

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendants as follows:

- (a) That Defendants take nothing by their Counterclaims;

(b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and

(c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Respectfully submitted,

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Counsel for Blue Spike, LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser

Randall T. Garteiser